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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,400	05/31/2001	Seung-Gi Shin	P56380	8279

7590 08/02/2004
Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005

EXAMINER

BUTLER, DENNIS

ART UNIT PAPER NUMBER

2115

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,400

Applicant(s)

SHIN ET AL.

Examiner

Dennis M. Butler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-33 is/are allowed.
- 6) ☒ Claim(s) 1,4,8,12,13,20,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 2,3,5-7,9-11,14-19,21,22 and 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05312001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. This action is in response to the application filed on May 31, 2001. Claims 1-33 are pending.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 13, the phrase "such as" is vague and indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP 2173.05 (d).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 4, 8, 12, 20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al., U. S. Patent 6,487,656.

Per claim 1:

A) Kim et al teach the following claimed items:

1. a BIOS testing and controlling the computer when power is supplied with figure 6 and at column 10, lines 14-64;
2. a BIOS memory with memory 176 and 124/152/184 of figure 2;
3. a sound command signal unit provided in said BIOS memory generating a sound command according to a system state (powering on) of the computer with Media Commands unit 250 of figure 2, with elements 340 and 350 of figure 3, at column 6, lines 27-46 and at column 7, lines 28-38;
4. a booting sound memory storing sound data with Media Data 240 of figure 2 and at column 6, lines 31-38 and 47-48;

5. a booting sound controller outputting the sound data to a speaker according to the sound command signal with Audio Card 168 of figure 2, at column 5, lines 36-57 and at column 6, lines 41-43, 47-48 and 59-65.

Per claims 4 and 8:

Kim describes the system state corresponding to a transitional state of a full power off mode converted to a full power on mode with figure 3 and at column 7, lines 1-27.

Per claim 12:

A) Kim et al teach the following claimed items:

1. storing sound data depending on a system state (powering on) of a computer with Media Data 240 of figure 2 and at column 6, lines 31-38 and 47-48 and with figure 3;
2. detecting the system state when power is supplied to the computer with figure 3 and at column 6, line 66 – column 7, line 9;
3. generating a sound command signal depending on the detected system state with the command signals generated by Media Commands unit 250 of figure 2, with elements 340 and 350 of figure 3, at column 6, lines 27-46 and at column 7, lines 28-38;
4. outputting the sound data according to the sound command signal with Audio Card 168 of figure 2, at column 5, lines 36-57 and at column 6, lines 41-43, 47-48 and 59-65.

Per claims 20 and 24:

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Kim describes the system state corresponding to a transitional state of a full power off mode converted to a full power on mode with figure 3 and at column 7, lines 1-27.

8. Claims 12, 13, 20, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott Mueller, Upgrading and Repairing PCs.

Per claim 12:

A) Mueller teaches the following claimed items:

1. storing sound data depending on a system state of a computer with the sound data present in the POST that corresponds to the sound data in the table on page 837;
2. detecting the system state when power is supplied to the computer with the testing performed by the POST as described in the POST and What Is Tested sections on pages 836-837;
3. generating a sound command signal depending on the detected system state and outputting the sound data according to the sound command signal with the command signals in the POST that cause the audio POST codes and corresponding beeps to be generated.

Per claims 13, 20, 23 and 24:

Mueller describes sound data corresponding to a booting message with the sound data present in the POST that corresponds to the booting message sound data in the table on page 837. Mueller describes the system state corresponding to a transitional state of a full power off mode converted to a full power on mode

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with the description of the POST^o process the POST, What Is Tested and POST Audio Error Codes sections on pages 836-837. Mueller describes a plurality of different audio messages (POST audio error codes) corresponding to transitional states with the audio/beep codes in the table on page 837.

9. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by KR 8628/2000 (cited by applicant).

Per claim 1:

A) KR 8628/2000 teaches the following claimed items:

1. a BIOS and BIOS memory testing and controlling the computer when power is supplied with ROM BIOS 13 of the second figure;
2. a sound command signal unit provided in said BIOS memory generating a sound command according to a system state (powering on) of the computer with the unit generating the Melody ROM Control Signal of the second and third figures (the output of element 16 and element S14);
3. a booting sound memory storing sound data with Melody ROM 14 of the second figure;
4. a booting sound controller outputting the sound data to a speaker according to the sound command signal with Melody Signal and Sound Chip 12 of the second figure.

Per claim 12:

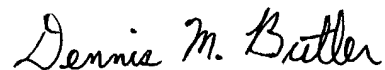
A) KR 8628/2000 teaches the following claimed items:

1. storing sound data depending on a system state (power-on) of a computer with Melody ROM14 of the second figure;
 2. detecting the system state when power is supplied to the computer with Power-on S10 of the third figure;
 3. generating a sound command signal depending on the detected system state with the Melody ROM Control Signal of the second and third figures (the output of element 16 and element S14);
 4. outputting the sound data according to the sound command signal with Melody Signal and Sound Chip 12 of the second figure.
10. Claims 28-33 are allowable over the art of record because the art of record does not teach or suggest the recited computer apparatus of claim 28 comprising the combination of elements including a BIOS, a BIOS memory, a sound command signal unit, a booting sound memory storing sound data including at least one selected from among pre-recorded music data input by a user and pre-recorded spoken words, and a booting sound controller.
11. Claims 2-3, 5-7, 9-11, 14-19, 21-22 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis M. Butler whose telephone number is 703-305-

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9663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in cursive script that reads "Dennis M. Butler".

Dennis M. Butler
Primary Examiner
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